

ZB# 07-53

Christopher Mee

66-1-8

ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, N.Y. 12553
Closed Aug. - 08

^{ZBA}
07-53 Christopher Mee - (Area)
738 Mt. Airy Rd (66-1-8)





**OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK**

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: 9/25/07

APPLICANT: Christopher Mee
6 Hinkson Place
Highland Mills, NY 10930

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 9/21/07

FOR : Christopher Mee

LOCATED AT: 738 Mt. Airy Road

ZONE: R-3 Sec/Blk/ Lot: 66-1-8

DESCRIPTION OF EXISTING SITE: Single family dwelling with proposed 10x22 deck

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. 300-10 R-3 Zone A variance for 1ft front yard and 35ft side yard is required.

COPY

Kevin J. Kynher
BUILDING INSPECTOR

PERMITTED	PROPOSED OR AVAILABLE:	VARIANCE REQUEST:
ZONE: R-3 USE:		
MIN LOT AREA:		
MIN LOT WIDTH:		
REQ'D FRONT YD: 45ft	44ft	1ft
REQ'D SIDE YD: 40ft	35ft	5ft
REQ'D TOTAL SIDE TD:		
REQ'D REAR YD:		
REQ'D FRONTAGE:		
MAX BLDG HT:		
FLOOR AREA RATIO:		
MIN LIVABLE AREA:		
DEV COVERAGE:		

cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
IMPORTANT
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and underslab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number and Tax Parcel ID #, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Water and Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and there is no fee for this.

SEP 20 2007

FOR OFFICE USE ONLY:
Building Permit #: 2007-838

AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP, DISABILITY & LIABILITY INSURANCE
CERTIFICATES ARE REQUIRED BEFORE THE BUILDING PERMIT APPLICATION WILL BE ACCEPTED AND/OR
ISSUED

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises Christopher Mee

Address 6 Hinkson Place Phone # 845-527-7935

Mailing Address Highland Mills New York 10930 Fax # _____

Name of Architect Veronika Rostanzo DBA Mountain View Drafting

Address 5 Rustic Ridge P.O. Box 218 ^{Mountainville} Phone 845-534-8706

Name of Contractor Christopher Mee

Address 6 Hinkson Pl. Highland Mills NY 10930 Phone 845-527-7935

State whether applicant is owner, lessee, agent, architect, engineer or builder owner

If applicant is a corporation, signature of duly authorized officer. _____
(Name and title of corporate officer)

1. On what street is property located? On the WEST side of MT Airy Rd
(N, S, E or W)
and 350 feet from the intersection of RT 94 + MT Airy Rd

2. Zone or use district in which premises are situated _____ Is property a flood zone? Y _____ N _____

3. Tax Map Description: Section 66 Block 1 Lot 8

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.

a. Existing use and occupancy One Family b. Intended use and occupancy _____

5. Nature of work (check if applicable) ☐ New Bldg. ☐ Addition ☐ Alteration ☒ Repair ☐ Removal ☐ Demolition ☐ Other

6. Is this a corner lot? NO

7. Dimensions of entire new construction. Front _____ Rear _____ Depth _____ Height _____ No. of stories _____

8. If dwelling, number of dwelling units: _____ Number of dwelling units on each floor _____

Number of bedrooms _____ Baths _____ Toilets _____ Heating Plant: Gas _____ Oil _____

Electric/Hot Air _____ Hot Water _____ If Garage, number of cars _____

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____

PAID

10. Estimated cost _____ Fee \$50.00

ZONING BOARD

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS

IMPORTANT

/ /
date

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock
Asst. Inspectors Frank Lisi & Louis Krychear
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(845) 563-4618
(845) 563-4695 FAX

Bldg Insp Examined _____
Fire Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____

INSTRUCTIONS

- A. This application must be completely filled in by typewriter or in ink and submitted to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

x 
(Signature of Applicant)

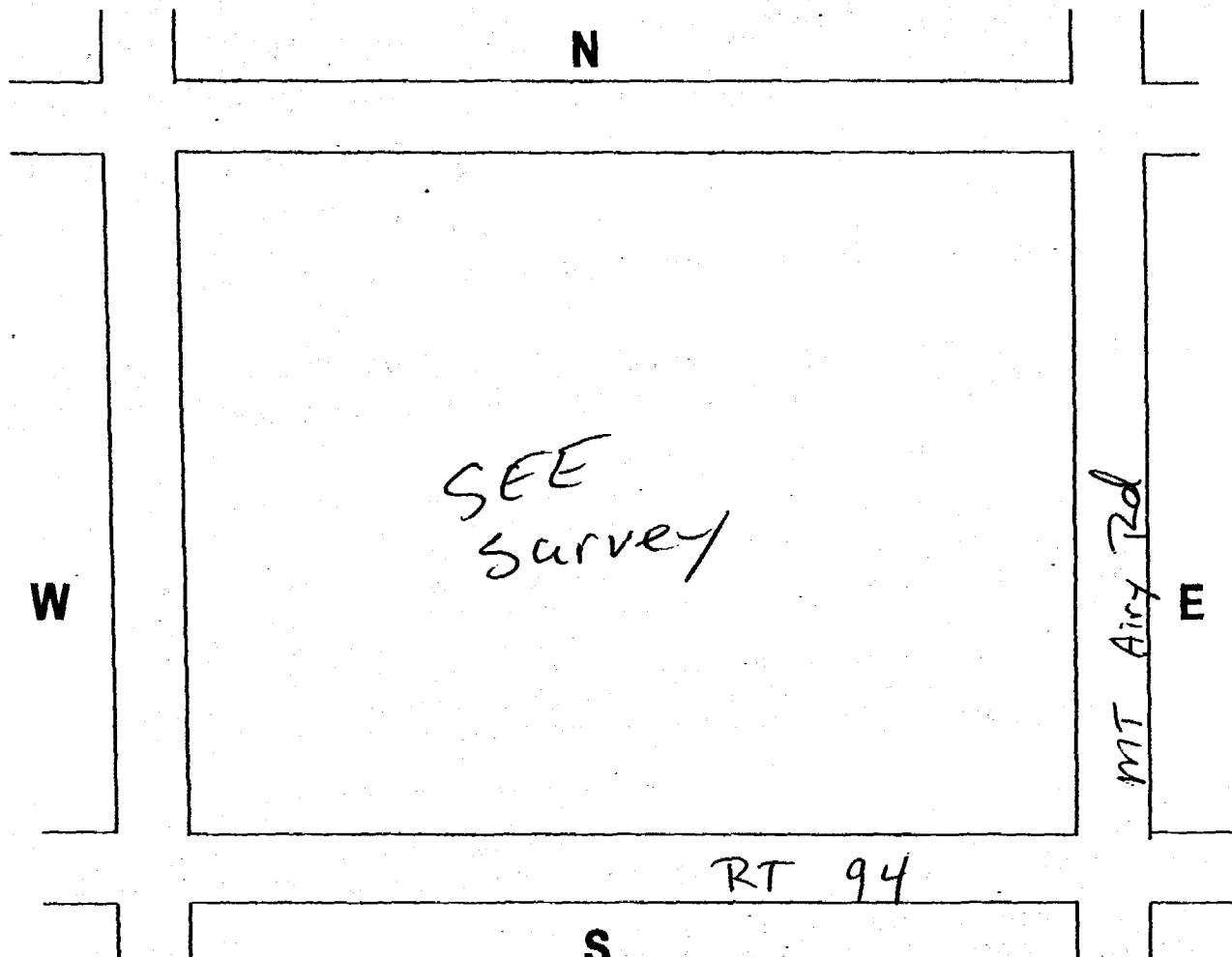
(Address of Applicant)

x 

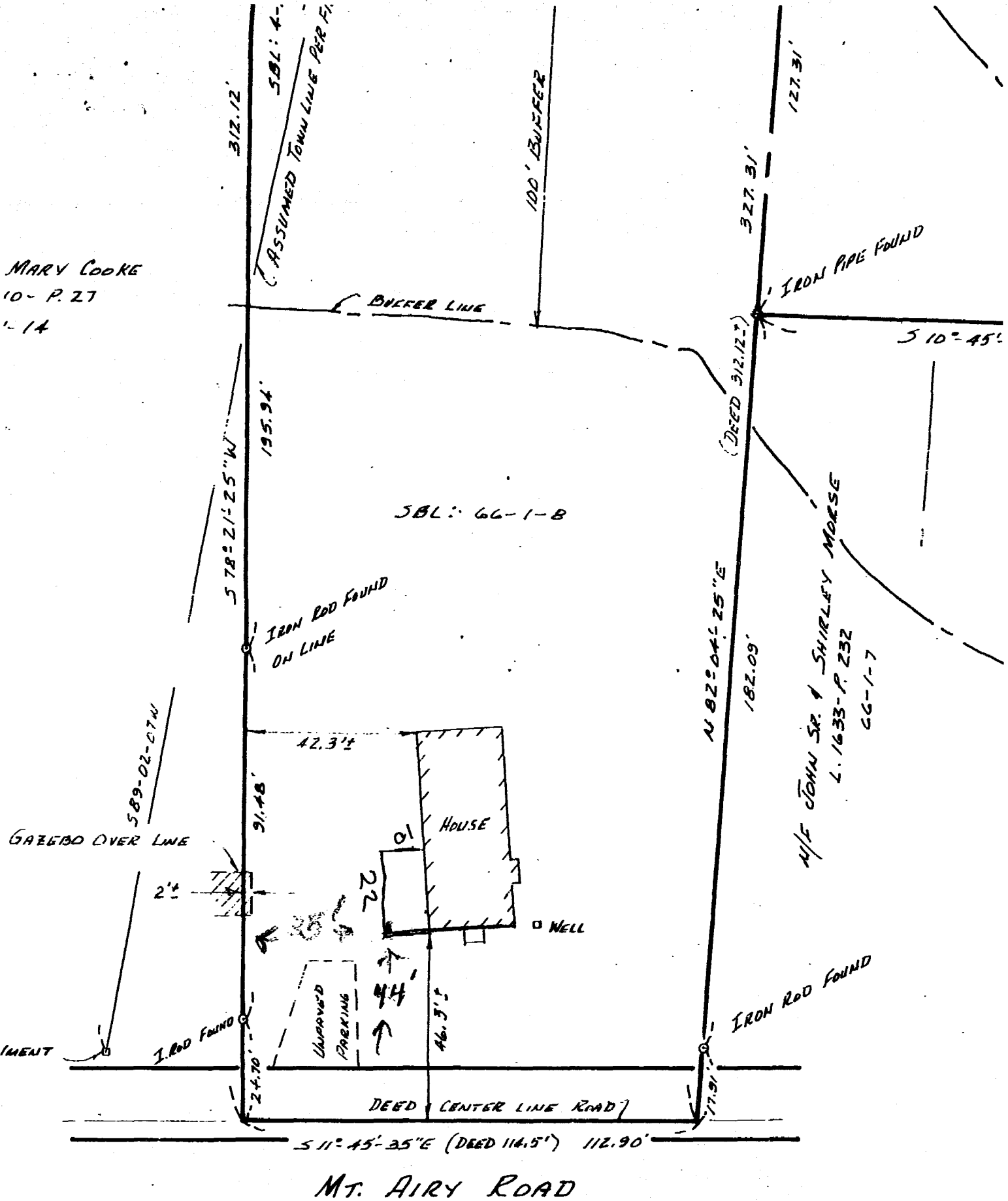
PLOT PLAN

NOTE:

Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.



MARY COOKE
10- P. 27
1-14



NEW WINDSOR ZONING BOARD OF APPEALS

SBL: (66-1-8)

In the Matter of the Application of

**MEMORANDUM OF
DECISION GRANTING**

CHRISTOPHER MEE

AREA

CASE #(07-53)

WHEREAS, CHRISTOPHER MEE , owner(s) of 738 Mt. Airy Road, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an Request for 1 ft. Front Yard Setback and; 5 ft. Side Yard Setback for proposed 10/ X 22' Deck at 738 Mt. Airy Road in an R-3 Zone

WHEREAS, a public hearing was held on December 10, 2007 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared on behalf of this Application; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke in favor of or in opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Official Town Newspaper, also as required by law.
2. The Evidence presented by the Applicant showed that:
 - (a) The property is a residential property located in a neighborhood of residential properties in an R-3 zone.
 - (b) In constructing the deck, the applicant will not remove any trees or substantial vegetation.

- (c) In building the deck the applicant will not build on top of nor will it interfere with any easements or rights-of-way including, but not limited to, water, sewer and electrical easements.
- (d) In building the deck the applicant will not create the ponding or collection of water or divert the flow of water drainage.
- (e) Since the deck has been constructed, there have been no complaints, either formal or informal, about the deck
- (f) With the deck, the house will be similar in size and nature to other houses in the neighborhood.
- (g) The proposed or existing deck is immediately adjacent to an exit portal of the building. Without the deck, a safety issue would exist because a person exiting the premises would probably fall and sustain serious physical injury if the deck were not in place.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance(s) will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant that can produce the benefits sought.
3. The variance(s) requested is/are substantial in relation to the Town regulations but, nevertheless, are warranted.
4. The requested variance(s) will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is/are self-created but, nevertheless, should be allowed.
6. The benefit to the Applicant, if the requested variance(s) is/are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variance(s) are/is appropriate and are/is the minimum variance(s) necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

8. The interests of justice will be served by allowing the granting of the requested area variance(s).

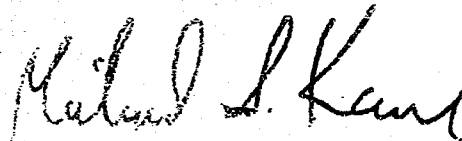
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a Request for 1 ft. Front Yard Setback and; 5 ft. Side Yard Setback for proposed 10' X 22' Deck at 738 Mt. Airy Road in an R-3 Zone (66-1-8) as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and/or Building Inspector and Applicant.

Dated: December 10, 2007



Chairman

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
OFFICE
845-563-4615**

MEMORANDUM

TO: JACK FINNEGAN, COMPTROLLER
FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD
DATE: 04-18-08
SUBJECT: ESCROW REFUND

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 183.10 TO CLOSE OUT
ESCROW FOR:**

ZBA FILE #07-52

NAME & ADDRESS:

**Christopher Mee
6 Hinkson Place
Highland Mills, NY 10930**

THANK YOU,

MYRA

J.F.04/18/08



**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
RECORD OF CHARGES & PAYMENTS**



FILE #07-53 TYPE: AREA TELEPHONE: 527-7935

APPLICANT:

Christopher Mee
6 Hinkson Place
Highland Mills, NY 10930

RESIDENTIAL:	\$ 50.00	CHECK # <u>1636</u>
COMMERCIAL	\$ 150.00	CHECK # _____
INTERPRETATION	\$ 150.00	CHECK # _____

ESCROW: RESIDENTIAL \$300.00 CHECK # 1635



<u>DISBURSEMENTS:</u>		<u>MINUTES</u> <u>\$7.00 / PAGE</u>	<u>ATTORNEY</u> <u>FEE</u>
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PRELIMINARY:	<u>3</u>	PAGES	<u>\$ 21.00</u>	<u>\$ 35.00</u>
2 ND PRELIMINARY:	<u> </u>	PAGES	<u>\$ </u>	<u>\$ </u>
PUBLIC HEARING:	<u>2</u>	PAGES	<u>\$ 14.00</u>	<u>\$ 35.00</u>
PUBLIC HEARING:	<u> </u>	PAGES	<u>\$ </u>	<u>\$ </u>

LEGAL AD: Publish Date: 12-04-07 \$ 11.90

TOTAL:	<u>\$ 46.90</u>	<u>\$ 70.00</u>
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ESCROW POSTED:	\$ 300.00
LESS: DISBURSEMENTS:	<u>\$ 116.90</u>

AMOUNT DUE: \$

REFUND DUE: \$ 183.10

Cc:

J.F. 04-18-08

October 22, 2007

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PRELIMINARY MEETINGS

CHRISTOPHER MEE (07-52)

MR. KANE: Christopher Mee. Request for 1 foot front yard setback and 5 foot side yard setback for proposed 10'x 22' deck at 738 Mt. Airy Road.

Mr. Christopher Mee appeared before the board for this proposal.

MR. KANE: What we do in New Windsor so everybody understands is we hold two meetings, a lot of towns in New York don't do that. The preliminary meeting gives you the opportunity to tell us what you want to do and for us to let you know what we need to make a decision on that. So, therefore, you will probably get the same questions at the public hearing that you get tonight and maybe a little bit more intense. Okay, so tell us what you want to do.

MR. MEE: Basically, a 10 x 22 deck off the kitchen, it's just a relatively small area for eating and grilling, it's part of the rehab of the property that I'm doing right now. The feedback from the neighbors has been all positive, they're happy to see the house being brought back to life, it's been vacant I guess for 12 years.

MR. KANE: Create any water hazards or runoffs?

MR. MEE: No, sir.

MR. KANE: Cut down any trees, I know the questions might seem absurd from the pictures but I have to ask, cut down any trees or substantial vegetation?

MR. MEE: No, not at all.

MR. KANE: Any easements running through where you want

October 22, 2007

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to put the deck?

MR. MEE: No, sir, there are wetlands in the back but I have been flagged by the DEC and we're well within the hundred foot boundary, we're over it.

MR. KANE: Deck is similar in size and nature to other decks in that particular neighborhood?

MR. MEE: Yes, sir.

MR. KANE: I see a door coming out to the side, obviously, where the deck is going to go, that would be considered a safety hazard if you didn't have something there?

MR. MEE: If I didn't, yeah.

MR. KANE: Was there ever an existing deck there?

MR. MEE: There was what's allowed and I have spoke with Frank Lisi about it, it's a 3 x 3 landing which I didn't think sufficient for the house. It's getting completely redone, so I thought it would be a necessary addition.

MR. KANE: Okay, pictures are fine. Any further questions? If not, I'll accept a motion.

MS. GANN: I will offer a motion to set up Chriss Mee for a public hearing for his request for 1 foot front yard setback and a 5 foot side yard setback for proposed 10 x 22 deck at 738 Mt. Airy Road.

MR. TORPEY: I'll second that.

ROLL CALL

MS. GANN	AYE
MS. LOCEY	AYE

October 22, 2007

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MR. TORPEY
MR. KANE

AYE
AYE

PUBLIC HEARINGS:

CHRISTOPHER MEE (07-53)

MR. KANE: Request for 1 foot front yard setback and 5 foot side yard setback for proposed 10' x 22' deck at 739 Mt. Airy Road.

Mr. Christopher Mee appeared before the board for this proposal.

MR. KANE: Similar to our preliminary meeting, tell us exactly what you want to do.

MR. MEE: It's a 10 x 22 deck off the kitchen, just a small sitting area for seating, maybe grilling, the property I purchased six years ago.

MR. KANE: And again same questions, not cutting down any trees or substantial vegetation in the building of the deck?

MR. MEE: No, sir.

MR. KANE: And creating any water hazards or runoffs?

MR. MEE: No.

MR. KANE: Any easements running through the area where the deck is proposed to be?

MR. MEE: None at all.

MR. KANE: Is the deck similar in size and nature to other decks that are in your neighborhood?

MR. MEE: Yes, I would consider it yes.

MR. KANE: You guys have pictures?

December 10, 2007

12

MRS. VOLPE: Yes, we do.

MR. KANE: And obviously without a deck there or something the door that's in the wall on that side of the house it would be a safety issue exiting that?

MR. MEE: Yes, it would.

MR. KANE: Okay, at this point, I will open it up to the public and ask if there's anybody here for this particular hearing? Seeing as there's not, we'll close the public portion of the meeting and ask Myra how many mailings we had?

MS. MASON: On November 27, I mailed out 12 addressed envelopes and had no response.

MR. KANE: We'll bring it back to the board. Any further questions from the board? If there are no further questions, I'll accept a motion.

MS. LOCEY: I'll offer a motion to grant requested variances on the application of Christopher Mee as detailed on the New Windsor Zoning Board of Appeals agenda dated December 10, 2007.

MRS. VOLPE: Second the motion.

ROLL CALL

MRS. VOLPE	AYE
MR. BEDETTI	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE



RESULTS OF Z.B.A. MEETING OF: December 10, 2007

PROJECT: Christopher Mee ZBA # 07-53

ZBA # 07-53

P.B.#

USE VARIANCE: **NEED: EAF** _____ **PROXY** _____

LEAD AGENCY: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____

CARRIED: Y _____ N _____

PUBLIC HEARING: M)_____ S)_____ VOTE: A_____ N._____

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____ CARRIED: Y _____ N _____

NEGATIVE DEC: M) S) VOTE: A N

GANN _____
LUNDSTROM _____
LOCHY _____
TORPEY _____
KANE _____ CARRIED: Y _____ N _____

APPROVED: M) S) VOTE: A N

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____ CARRIED: Y _____ N _____

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M)___ S)___ VOTE: A___ N___

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____

CARRIED: Y_____ N_____

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES ✓

VARIANCE APPROVED: M) Lo S) V VOTE: A 5 N 0.

GANN ✓
LUNDSTROM ✓
LOCEY ✓
TORPEY ✓
KANE ✓

CARRIED: Y ✓ N

[illegible]



THE SENTINEL

P.O. BOX 406
VAILS GATE, NY 12584

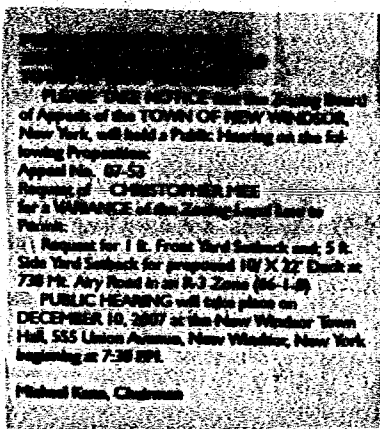
Invoice

Date	Invoice #
12/14/2007	1055

Bill To
TOWN OF NEW WINDSOR 555 UNION AVE NEW WINDSOR, NY 12553

P.O. No.	Terms	Project

Issue Date	Description	Rate	Amount
12/4/2007	LEGAL ADS: PUBLIC HEARING NOTICE - HIGHTOWER 07-54Q 1 AFFIDAVIT	9.48 4.00	9.48 4.00
12/4/2007	LEGAL ADS: MEE 07-53 1 AFFIDAVIT	7.90 4.00	7.90 4.00
<div data-bbox="574 1158 878 1365" data-label="Image"><p>RECEIVED JAN 08 2008 By _____</p></div>			
Total			\$25.38



State of New York

County of Orange, ss:

Kathleen O'Brien, being duly sworn, disposes and says that she is the Supervisor of the Legal Department of the E. W.

Smith Publishing Company, Inc., Publisher of The

Sentinel, a weekly newspaper published and of general

circulation in the Town of New Windsor, Town of

Newburgh and City of Newburgh and that the notice of

which is annexed is a true copy was published in said

newspaper 1 times(s) commencing on the 4th day

of December, A.D., 2007 and ending on the

4th day of December, A.D., 2007.

Kathleen O'Brien

Subscribed and shown to before me this 4th day of

Jan., 2007, 2008

Deborah Green
Notary Public of the State of New York

County of Orange

My commission expires

DEBORAH GREEN
Notary Public, State of New York
Qualified in Orange County
#4984065
Commission Expires July 15, 2011

**ZONING BOARD OF APPEALS: TOWN OF NEW WINDSOR
COUNTY OF ORANGE: STATE OF NEW YORK**

CHRISTOPHER MEE

AFFIDAVIT OF SERVICE BY MAIL

#07-53

X

STATE OF NEW YORK)
) SS:
COUNTY OF ORANGE)

MYRA L. MASON, being duly sworn, deposes and says:


That I am not a party to the action, am over 18 years of age and reside at 131 Mt. Airy Road, New Windsor, NY 12553.

That on the 27TH day of **NOVEMBER**, 2007, I compared the 12 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor's Office regarding the above application for a variance and I find that the addresses are identical to the list received. I then placed the envelopes in a U.S. Depository within the Town of New Windsor.

Sworn to before me this

Myra L. Mason
Myra L. Mason, Secretary

10th day of December, 2007


Notary Public

JENNIFER GALLAGHER
Notary Public, State of New York
No. 01GA6050024
Qualified in Orange County
Commission Expires 10/30/10



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4631
Fax: (845) 563-3101

J. Todd Wiley, IAO

Assessor's Office

October 26, 2007

Christopher Mee
6 Hinkson Place
Highland Mills, NY 10930

Re: 66-1-8 ZBA#07-53 (12)

Dear Mr. Mee:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$35.00, minus your deposit of \$25.00.

Please remit the balance of \$10.00 to the Town Clerk's Office.

Sincerely,

A handwritten signature in cursive script that reads "J. Todd Wiley". The signature is enclosed in a large, hand-drawn oval.

J. Todd Wiley, IAO
Sole Assessor

JTW/lrd
Attachments

CC: Myra Mason, ZBA

66-1-4
Mary & Ronald Mann
708 Mt. Airy Road
New Windsor, NY 12553

95-1-3.2
Etruscan Enterprises, Inc.
C/o MeadowBrook Lodge
Route 94
New Windsor, NY 12553

66-1-6
Ruth Copeletti
730 Mt. Airy Road
New Windsor, NY 12553

95-1-15
KG Cornwall, LLC
51 N Broadway
Nyack, NY 10960

66-1-7
John Sr. & Shirley Morse
734 Mt. Airy Road
New Windsor, NY 12553

66-1-9.1
Joseph & Barbara Murphy
719 Mt. Airy Road
New Windsor, NY 12553

66-1-9.2
Steven & Lisa Marchi
711 Mt. Airy Road
New Windsor, NY 12553

66-1-10
William Clarke
721 Mt. Airy Road
New Windsor, NY 12553

66-1-11
Eugene & Karen Mari
725 Mt. Airy Road
New Windsor, NY 12553

66-1-12
Margaret Salo
731 Mt. Airy Road
New Windsor, NY 12553

66-1-13
Enoch Whitfield
Aida Cruz Whitfield
735 Mt. Airy Road
New Windsor, NY 12553

66-1-14
Raymond & Mary Cooke
806 Mt. Airy Road
New Windsor, NY 12553

PUBLIC HEARING NOTICE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:

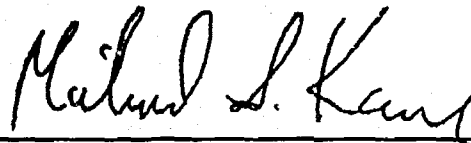
Appeal No. 07-53

Request of CHRISTOPHER MEE

for a VARIANCE of the Zoning Local Law to Permit:

Request for 1 ft. Front Yard Setback and; 5 ft. Side Yard Setback for proposed 10/ X 22' Deck at 738 Mt. Airy Road in an R-3 Zone (66-1-8)

PUBLIC HEARING will take place on DECEMBER 10, 2007 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 P.M.

A handwritten signature in black ink, appearing to read "Michael S. Kane", written over a horizontal line.

Michael Kane, Chairman

RESULTS OF Z.B.A. MEETING OF:

October 22, 2007

PROJECT:

Christopher Mass

ZBA #

07-53

P.B.#

USE VARIANCE:

NEED: EAF

PROXY

LEAD AGENCY: M) S) VOTE: A N

GANN

LUNDSTROM

LOCEY

TORPEY

KANE

CARRIED: Y N

PUBLIC HEARING: M) S) VOTE: A N

GANN

LUNDSTROM

LOCEY

TORPEY

KANE

CARRIED: Y N

NEGATIVE DEC: M) S) VOTE: A N

GANN

LUNDSTROM

LOCEY

TORPEY

KANE

CARRIED: Y N

APPROVED: M) S) VOTE: A N

GANN

LUNDSTROM

LOCEY

TORPEY

KANE

CARRIED: Y N

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING:

M) G S) I

VOTE: A Y N O

GANN

~~LUNDSTROM~~

LOCEY

TORPEY

KANE

CARRIED: Y ☒ N

PUBLIC HEARING:

STATEMENT OF MAILING READ INTO MINUTES

VARIANCE APPROVED:

M) S) VOTE: A N

GANN

LUNDSTROM

LOCEY

TORPEY

KANE

CARRIED: Y N

No Easements

October 22, 2007 Agenda

Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611

RECEIPT
#814-2007

10/23/2007

Mee, Christopher *ZBA 07-53*

Received \$ 50.00 for Zoning Board Fees, on 10/23/2007. Thank you for
stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green
Town Clerk

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
RECEIPT OF ESCROW RECEIVED:

DATE RECEIVED: 10-18-07

FOR: ESCROW 07-53

FROM:
Christopher Mee
6 Hinkson Place
Highland Mills, NY 10930

CHECK FROM:
SAME

CHECK NUMBER: 1635

TELEPHONE: 527-7935

AMOUNT: 300.00

RECEIVED AT COMPTROLLER'S OFFICE BY:

J. Hennehan 10-23-07
NAME DATE

ZBA #07-53 ESCROW

CHRISTOPHER R. MEE 527.7935
6 HINKSON PLACE
HIGHLAND MILLS, NY 10930

1635

Date 10-8-07

1-32/210 NY
27524

Pay to the Order of Town of New Windsor \$ 300.00

Three hundred + 00/100 Dollars

Bank of America

ACH R/T 021000322

For MT Airy Rd.

⑆021000322⑆ 009443339581⑆1635

GUARANTY SAFETY BLUE INK



TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS



10/22
Agenda
07-53

APPLICATION FOR VARIANCE

10-8-07

Date

Application Type: Use Variance ☐ Area Variance ☐
Sign Variance ☐ Interpretation ☐

e-mail address: N/A

I. Owner Information:

Christopher MEE

(Name)

Phone Number: (845) 527-7935

Fax Number: () N/A

6 Hinkson Pl Highland Mills NY 10930

(Address)

II. Applicant:

Christopher MEE

(Name)

e-mail address: N/A

Phone Number: (845) 527-7935

Fax Number: () N/A

6 Hinkson Pl Highland Mills NY 10930

(Address)

III. Forwarding Address, if any, for return of escrow:

Phone Number: ()

Fax Number: ()

(Name)

SAME

(Address)

IV. Contractor/Engineer/Architect/Surveyor/:

Phone Number ()

Fax Number: ()

(Name)

SAME

(Address)

V. Property Information:

Zone: R-3

Property Address in Question: 738 MT Airy Rd New Windsor NY 12553

Lot Size: _____ Tax Map Number: Section 66 Block 1 Lot 8

a. Is pending sale or lease subject to ZBA approval of this Application? NO

b. When was property purchased by present owner? 9-20-07

c. Has property been subdivided previously? NO If so, When: _____

d. Has an Order to Remedy Violation been issued against the property by the Building/Zoning/Fire Inspector? NO

****PLEASE NOTE:*****

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

VIII. AREA VARIANCE: (This information will be on your Building Department Disapproval form you receive)

Area Variance requested from New Windsor Zoning Local Law,

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area			
Min. Lot Width			
Reqd. Front Yd.	45 ft	44 ft	1 ft
Reqd. Side Yd.	40 ft	35 ft	5 ft
Reqd. Rear Yd.			
Reqd. St Front*			
Max. Bldg. Hgt.			
Min. Floor Area*			
Dev. Coverage*			
Floor Area Ration**			
Parking Area			

*Residential Districts Only

**Non-Residential Districts Only

PLEASE NOTE:

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**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

- IX. **In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.

PLEASE ANSWER EACH OF THE FOLLOWING QUESTIONS SPECIFICALLY:

1. Whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; NO

2. Whether the requested area variance is substantial; NO

3. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; NO

4. Whether the alleged difficulty was self-created. NO

****After reading the above paragraph, please describe why you believe the ZBA should grant your application for an Area Variance:**

Subject Property Has BEEN vacant + Run Down
for years. By granting this variance, my Property
as well as the entire neighborhood will Benefit.

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

Thank you.

XII. ADDITIONAL COMMENTS:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

my work speaks for
itself Please see 2053 RT 94 to verify

XIII. ATTACHMENTS REQUIRED:

- ☐ Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- ☐ Copy of site plan or survey (if available) showing the size and location of the lot, buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☐ Copies of signs with dimensions and location.
- ☐ Three checks: (each payable to the TOWN OF NEW WINDSOR)
- ☐ One in the amount of \$ 300.00 or 500.00 (escrow)
- ☐ One in the amount of \$ 50.00 or 150.00 (application fee)
- ☐ One in the amount of \$ 25.00 (Public Hearing List Deposit)
- ☐ Photographs of area that variance(s) is/are being requested for showing relationship to property lines (5 or 6) from several angles. (IF SUBMITTING DIGITAL PHOTOS PRINTED FROM COMPUTER – PLEASE SUBMIT FOUR (4) SETS OF THE PHOTOS.)

XIV. AFFIDAVIT.

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/her information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Sworn to before me this:

9th day of October 2007.

Christopher MEE
Owner's Signature (Notarized)

Christopher MEE
Owner's Name (Please Print)

Jennifer Gallagher
Signature and Stamp of Notary

[Signature]
Applicant's Signature (If not Owner)

JENNIFER GALLAGHER
Notary Public, State of New York
No. 01GA6050024
Qualified in Orange County
Commission Expires 10/30/12

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

PROJECT I.D. NUMBER

617.21

SEQR

Appendix C

State Environmental Quality Review

SHORT ENVIRONMENTAL ASSESSMENT FORM For UNLISTED ACTIONS Only

PART I—PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

1. APPLICANT /SPONSOR <i>Christopher MEE</i>	2. PROJECT NAME <i>MT Airy Rd</i>
3. PROJECT LOCATION: Municipality <i>738 MT Airy Rd</i> ^{HW} 12553 County <i>Orange</i>	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map)	
5. IS PROPOSED ACTION: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: <i>Deck off Kitchen for seating</i>	
7. AMOUNT OF LAND AFFECTED: Initially _____ acres Ultimately _____ acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No, describe briefly	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other Describe:	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency(s) and permit/approvals	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency name and permit/approval	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant/sponsor name: <i>Christopher MEE</i>	Date: <i>10-8-07</i>
Signature: <i>[Signature]</i>	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

OVER

PART II—ENVIRONMENTAL ASSESSMENT (To be completed by Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.12? If yes, coordinate the review process and use the FULL EAF.	
<input type="checkbox"/> Yes	<input type="checkbox"/> No
B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.8? If No, a negative declaration may be superseded by another involved agency.	
<input type="checkbox"/> Yes	<input type="checkbox"/> No
C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)	
C1. Existing air quality; surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:	
C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:	
C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:	
C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:	
C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:	
C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:	
C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:	
D. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?	
<input type="checkbox"/> Yes	<input type="checkbox"/> No If Yes, explain briefly

PART III--DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed.

- ☐ Check this box if you have identified one or more potentially large or significant adverse impacts which **MAY** occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.
- ☐ Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action **WILL NOT** result in any significant adverse environmental impacts **AND** provide on attachments as necessary, the reasons supporting this determination:

Name of Lead Agency

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (If different from responsible officer)

Date



TOWN OF NEW WINDSOR
(845) 563-4615 (MYRA MASON)
ZONING BOARD APPLICATION PACKAGE



PLEASE READ AND COMPLETE THE ATTACHED APPLICATION FORMS WHERE IT APPLIES TO YOUR SITUATION (COMPLETE ONLY THE PAGES WITH HIGHLIGHT IN BOX IN LOWER RIGHT CORNER OF EACH PAGE) AND RETURN ONE ORIGINAL AND ONE COPY OF ALL PAPERWORK (unless otherwise specified) TO MYRA MASON (845-563-4615) AT THE ZONING BOARD OFFICE (LOCATED IN THE PLANNING BOARD & ENGINEERING OFFICE IN TOWN HALL) WITH THREE CHECKS MADE PAYABLE TO "THE TOWN OF NEW WINDSOR" AS FOLLOWS:

RESIDENTIAL: (Three Separate Checks Please)

APPLICATION FEE:	\$ 50.00
*ESCROW:	\$300.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

MULTI-FAMILY: (Three Separate Checks Please)

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

COMMERCIAL: (Three Separate Checks Please)

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

INTERPRETATION: (Three Separate Checks Please)

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

UPON RECEIPT OF ALL APPLICABLE PAPERWORK AND CHECKS, YOU WILL BE SCHEDULED FOR THE NEXT AVAILABLE AGENDA FOR YOUR "PRELIMINARY MEETING". YOU DO NOT NEED YOUR PUBLIC HEARING LIST OR ENVELOPES FOR THIS FIRST (PRELIMINARY) MEETING.

*

ESCROW

THIS IS TO COVER OUTSIDE PROFESSIONAL FEES SUCH AS ZBA ATTORNEY FEE, MINUTES OF YOUR PORTION OF THE MEETING, LEGAL ADS, ETC. THE BALANCE WILL BE RETURNED TO YOU UPON CLOSING FILE.


LIST OF PROPERTY OWNERS WITHIN 500 FT. RADIUS OF PROPERTY IN QUESTION:

APPROXIMATE COST FOR PUBLIC HEARING LIST:

1-10 NAMES	25.00
11-20 NAMES	35.00
21-30 NAMES	45.00
31-40 NAMES	55.00
41-50 NAMES	65.00
51-60 NAMES	75.00
61-70 NAMES	85.00
71-80 NAMES	95.00
81-90 NAMES	105.00
91-100 NAMES	115.00

ANYTHING OVER 100 NAMES IS \$1.00 EA. ADDITIONAL NAME

PAGE 1

 **COMPLETE ONLY THE PAGES WITH CHECKED BOX IN CORNER OF PAGE. PLEASE SUBMIT ONE ORIGINAL AND ONE COPY OF ALL PAPERWORK (unless otherwise specified).**

PUBLIC HEARING LIST OF PROPERTY OWNERS

1. UPON RECEIPT OF ALL APPLICABLE CHECKS AND PAPERWORK, YOUR APPLICATION WILL BE PROCESSED AND YOUR \$25.00 DEPOSIT WILL BE SENT TO THE ASSESSOR'S OFFICE TO ORDER YOUR LIST OF PROPERTY OWNERS WITHIN 500 FEET. **(NOTE: YOU DO NOT NEED THIS LIST OR THE ENVELOPES FOR YOUR FIRST (PRELIMINARY) MEETING. Please do not call the Assessor's Office looking for your list – they will contact you when it is ready or if necessary, call Myra at 845-563-4615.**
2. WHEN THE ASSESSOR'S OFFICE NOTIFIES YOU THAT YOUR PUBLIC HEARING LIST IS READY, YOU MUST COME IN AND PAY THE BALANCE DUE FOR THE LIST. (THE LIST WILL BE PREPARED ON LABELS FOR YOUR CONVENIENCE). BRING ENOUGH ENVELOPES PREPARED WITH YOUR RETURN ADDRESS AND A REGULAR STAMP WITH YOU....YOUR PUBLIC HEARING DATE WILL BE SET AT THIS TIME.
3. WHEN YOU COME IN TO PICK UP YOUR LIST, ALLOW YOURSELF ENOUGH TIME TO FINISH PREPARING THE MAILINGS HERE AT THE TOWN HALL. YOU WILL BE GIVEN ENOUGH "NOTICES OF PUBLIC HEARING" TO PUT ONE IN EACH ENVELOPE AND SEAL IT. (It may be easier for you if you bring self-sealing envelopes.)
4. **BRING THE COMPLETED ENVELOPES TO THE ZONING BOARD SECRETARY FOR MAILING. BY DOING IT THIS WAY, WE AVOID HAVING TO SEND EACH ENVELOPE "CERTIFIED MAIL" WHICH IS VERY COSTLY.**

NOTE:

THE ZBA MEETS ON THE 2ND AND 4TH MONDAY OF EACH MONTH UNLESS A HOLIDAY FALLS ON THAT DATE.



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4689

ZONING BOARD OF APPEALS

TO ALL ZONING BOARD OF APPEALS APPLICANTS:

Please note the attached letter from Orange County Department of Planning asking that referrals be made to their office for review.

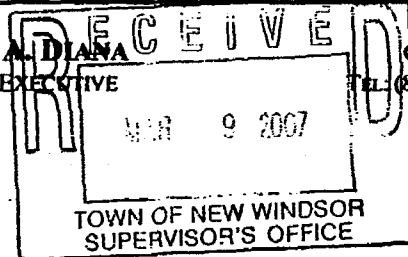
Due to this request, your application will be sent to Orange County Department of Planning for review. We are hoping to do this in a way that does not add to the time it normally takes to seek a variance.

Thank you for your cooperation in this matter.

ZONING BOARD OF APPEALS

**COUNTY OF ORANGE****DEPARTMENT OF PLANNING**

EDWARD A. DIANA
COUNTY EXECUTIVE



124 MAIN STREET
GOSHEN, NEW YORK 10924-2124
TEL: (845)291-2318 FAX: (845)291-2533

DAVID CHURCH, A.I.C.P.
COMMISSIONER

5 March, 2007

POLICY REMINDER**REFERRAL OF CERTAIN MUNICIPAL PERMITS AND ACTIONS**

to COUNTY PLANNING as per NYS GENERAL MUNICIPAL LAW §239 L, M & N

NEW POLICY GUIDEBOOK ATTACHED

As an essential part of Orange County's renewed interest and involvement in planning and development policy, the Planning Department continues to gain staff capability and expertise. The Orange County Planning Department reviews all projects that meet the requirements of Section 239 of the NYS General Municipal Law (GML §239) for County referrals. Please be sure that your municipality is sending the required applications that come under the provisions of GML § 239. Keep in mind that if there is a project that falls under the non-mandatory review requirement, we will be glad to review it upon request of a municipal official.

A new guidebook is attached detailing the NYS GML §239 referral process here in Orange County. Additional copies of this guidebook can be downloaded at www.orangecountygov.com/planning.

As a refresher, prior to making a decision on certain permits or actions, GML § 239 requires that you send to County Planning a copy of the complete application for the following "proposed actions" that are within 500 feet of the properties or thresholds listed in the statute (GML § 239-m (3)):

1. The adoption of a municipal comprehensive plan, zoning ordinance or law, or an amendment to either one;
2. The granting of a use or area variance;
3. The issuance of special use permits;
4. Site plans for residential uses;
5. Site plans for non-residential uses;
6. Subdivisions plats;
7. Other authorizations which a referring body may issue under the provisions of any zoning ordinance or local law.

Proposed "actions" must be referred to County Planning prior to your decision if they apply to real property within five hundred (500) feet of the following:

1. The boundary of any city, village or town;
2. The boundary of any existing or proposed county or state park or any other recreation area;